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A PROFESSIONAL LIMITED LIABILITY COMPANY  
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May 20, 1996

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**MAY 20 1996**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554  
STOP CODE: 1170

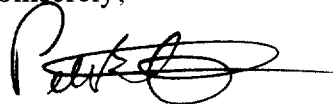
Re: Ex Parte Communication in PR Docket No. 93-61

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, notice is hereby given of an *ex parte* communication regarding the above-referenced proceeding. On the afternoon of May 20, 1996, John S. Logan and Peter A. Batacan, on behalf of Teletrac, License, Inc., met with David Furth, Chief of the Commercial Wireless Division and Barnett C. "Jay" Jackson, Jr., of Wireless Telecommunications Bureau to discuss the Commission's rules governing the construction of base station facilities and services by grandfathered multilateration location and monitoring service ("LMS") licensees.

The discussion referenced the attached written presentation. An original and two copies of this notice and the attached materials are being filed with the Secretary's office. Please stamp and return the provided copy to confirm your receipt.

Sincerely,



Peter A. Batacan

PAB/tri  
Enclosure  
cc: David Furth, Esq.  
Jay Jackson

No. of Copies rec'd  
List ABCDE

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# DOW, LOHNES & ALBERTSON

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## MEMORANDUM

DATE: May 20, 1996

RE: Teletrac Meeting on Grandfathered Multilateration Location and Monitoring Service ("LMS") Issues

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The two-kilometer site relocation rule prohibits grandfathered multilateration location and monitoring service ("LMS") licensees from relocating to an alternate site more than two-kilometers from an originally licensed site. See *LMS Reconsideration Order* at ¶¶ 37-39.

Teletrac believes that strict application of the two kilometer rule may be contrary to the public interest in either of the following circumstances:

1. In order to provide seamless coverage to its public safety and law enforcement customers for location and tracking of stolen vehicles, and wireless surveillance of drug shipments and other contraband in certain urban markets, Teletrac must construct additional sites more than two-kilometers from its originally licensed sites. To the extent that these "fill-in" sites would be encompassed entirely within the composite service area contour of Teletrac's originally licensed sites, construction of these sites would not reduce the total area available to prospective bidders at the Commission's anticipated auction. Allowing Teletrac to provide such "fill-in" sites to meet public safety and law enforcement needs appears to be consistent with the purpose of the two-kilometer relocation rule — preservation of LMS spectrum available for the anticipated auction.
2. Site surveys have revealed that some originally licensed sites are unavailable either due to incompatibility with current engineering plans for the build out of Teletrac's system or overcrowding of other licensee antennas collocated at the original site. Site surveys further show that paging operations within a two-kilometer radius of these originally licensed sites have rendered alternate sites unavailable. In such circumstances, it appears that Teletrac would be justified in moving more than two kilometers from the originally licensed site in order to accomplish the build out of its unconstructed systems.

Grandfathered LMS licensees may be entitled to a certain amount of flexibility in applying the 2-kilometer standard, similar to the 1-kilometer broadcast "rounding off" rule (47 C.F.R. § 73.208(c)(8)) or the 1.6 kilometer "substantial accordance" standard applicable in finder's preference cases.

3. Teletrac License, Inc., holds a temporary nationwide license for call sign WNWM 823 under authority of 47 C.F.R. § 90.137. This rule allows a licensee to operate temporary fixed radiolocation land stations for a period of up to one year at any location in the contiguous United States and Hawaii. If any operations remain, or are intended to remain, in operation at the same location for more than one year, an application for a separate authorization specifying the fixed location must be made no later than 30 days after the expiration of the one-year period.
  - a. Would Teletrac be able to apply for new authorizations at "fill-in" sites under the temporary nationwide license?
4. The type acceptance rule, 47 C.F.R. § 90.203(b)(7), as amended by the *LMS Reconsideration Order*, provides that "[t]ransmitters imported and marketed prior to September 1, 1996 for use by LMS systems" are forever exempt from type acceptance. But the text of the Order appears to contemplate only a type acceptance "grace period", requiring all equipment to be type accepted after September 1, 1996. Does the Commission plan to clarify this apparent conflict?
  - a. FCC staff informally has suggested that the rule means that all equipment for unconstructed grandfathered LMS stations must be type accepted by September 1, 1996; all equipment for constructed and operational grandfathered LMS stations must be type accepted by April 1, 1998.
5. Does the FCC anticipate any further extension of the September 1, 1996 grandfathering deadline?
6. What is the status of the further reconsideration in the LMS docket?
  - a. Does the FCC plan to clarify the CMRS/PMRS status of multilateration LMS?
  - b. Does the FCC plan to clarify the permissible use definition?
  - c. Does the FCC plan to clarify the LMS interconnection parameters?
  - d. Does the FCC plan to clarify the grandfathered LMS licensee's duty to coordinate with the eventual licensee who receives the market license at auction?

7. In the *Spread Spectrum Notice*, ET Docket No. 96-8, the FCC tentatively proposes to allow spread spectrum frequency hopping operations to operate exclusively in the multilateration LMS frequency bands. By exclusively hopping within the multilateration LMS band, such operations may pose interference problems similar Part 15 field disturbance sensors authorized under 47 C.F.R. § 15.245 and long range video links authorized under 47 C.F.R. § 15.247. To the extent that the FCC's LMS rules expressly excluded both field disturbance sensors and long range video links from the Part 15 "safe harbor" provision set forth in 47 C.F.R. § 90.362, does the Commission expect to address the potential interference impact caused by spread spectrum frequency hopping operations in the LMS docket?
8. Would filing a formal petition be helpful to focus the FCC on some or all of the foregoing issues?

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May 17, 1996

**STAMP & RETURN**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554  
STOP CODE: 1170

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**MAY 17 1996**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Ex Parte Communication in PR Docket No. 93-61

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, notice is hereby given of an *ex parte* communication regarding the above-referenced proceeding. On the afternoon of May 16, 1996, Werner K. Hartenberger, John S. Logan and Peter A. Batacan, on behalf of Teletrac, License, Inc., met with Rudolfo M. Baca, Legal Advisor to Commissioner James H. Quello, to discuss the Commission's rules governing the construction of base station facilities and services by grandfathered multilateration location and monitoring service ("LMS") licensees. Due to the lateness of the hour, this notice is being filed on the next business day.

The discussion referenced the attached written presentation. An original and two copies of this notice and the attached materials are being filed with the Secretary's office. Please stamp and return the provided copy to confirm your receipt.

Sincerely,



Peter A. Batacan

PAB/ptd  
Enclosure

cc: Rudolfo M. Baca, Esquire

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## MEMORANDUM

May 16, 1996

RE: Teletrac License, Inc. ("Teletrac"): Site Relocation

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The two-kilometer site relocation rule prohibits grandfathered multilateration location and monitoring service ("LMS") licensees from relocating to an alternate site more than two-kilometers from an originally licensed site. See *LMS Reconsideration Order* at ¶¶ 37-39.

Teletrac believes that strict application of the two kilometer rule may be contrary to the public interest in either of the following circumstances:

1. Site surveys have revealed that some originally licensed sites are unavailable either due to incompatibility with current engineering plans for the build out of Teletrac's system or overcrowding of other licensee antennas collocated at the original site. Site surveys further show that paging operations within a two-kilometer radius of these originally licensed sites have rendered alternate sites unavailable.
  - a. In such circumstances, Teletrac submits that the Commission, by waiver or interpretation, should permit the site to be moved more than two kilometers from the originally licensed site in order to accomplish the build out of its unconstructed systems.
  - b. In one instance in a single-site market, a site move of more than two kilometers may be required to preserve the market. In other instances, the site move may be accomplished so that the area covered by the Teletrac service contours will not increase.
  - c. As an alternative to waiver, Teletrac's existing grandfathered nationwide temporary license could permit Teletrac to relocate authorized sites that cannot be constructed in their present location, so long as Teletrac does not expand its existing coverage contours.

2. To ensure reliable, seamless coverage within its present service area to its public safety and law enforcement customers in certain urban markets, Teletrac seeks to construct additional sites more than two-kilometers from its originally licensed sites.
  1. To the extent that these "fill-in" sites would be encompassed entirely within the composite service area contour of Teletrac's originally licensed sites, construction of these sites would not reduce the total area available to prospective bidders at the Commission's anticipated auction of LMS spectrum.
  2. Allowing Teletrac to provide such "fill-in" sites to meet public safety and law enforcement needs appears to be consistent with the purpose of the two-kilometer relocation rule — preservation of LMS spectrum available for the anticipated auction.